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14 Alice Vysata

15 **UNITED STATES DISTRICT COURT**  
16 **CENTRAL DISTRICT OF CALIFORNIA**

17 ALICE VYSATA,

18 Plaintiff and Counterdefendant,

19 v.

20 MARC MENOWITZ, ET AL.,

21 Defendants & Counterclaimants.

22 CASE NO.: 18-cv-06157-JAK-RAO

23 **DISCOVERY MATTER**

24 Magistrate Judge Rozella A. Oliver

25 **PLAINTIFF'S NOTICE OF MOTION**  
**AND MOTION TO QUASH**  
**SUBPOENAS FOR PLAINTIFF'S**  
**EMPLOYMENT RECORDS**

26 Hearing Date: May 8, 2019  
Hearing Time.: 10:00 a.m.

27 Discovery Cutoff: June 17, 2019  
Pretrial Conf.: TBD  
Trial Date: TBD

1      **TO ALL PARTIES AND THEIR RESPECTIVE ATTORNEYS OF RECORD: PLEASE**  
2      **TAKE NOTICE** that on May 8, 2019, at 10:00 a.m. in the Roybal Federal Building and United  
3      States Courthouse, 255 E. Temple Street, Los Angeles, CA 90012, Courtroom 590, 5<sup>th</sup> Floor,  
4      Plaintiff Alice Vysata will and hereby does move this Court for an Order Quashing Subpoenas  
5      issued by Defendants Apartment Rental Assistance II, Inc. and Marc Menowitz to non-paraties  
6      (1) KLC San Diego Enterprises, Inc.; (2) AgencyOne, Inc.; and (3) JWilliams Staffing, Inc. The  
7      motion is brought on the grounds that Defendants failed to give notice to the consumer; the  
8      subpoenas seek documents protected by the right to privacy and Defendants have demonstrated  
9      no compelling need for the records; the subpoenas are overbroad and meant solely to harass  
10     Plaintiff and increase the cost of litigation. Plaintiff seeks costs and fees associated with bringing  
11     this motion.

12        In support of this motion, Vysata states as follows:

- 13        1. Defendants ARA and Menowitz provided notice to Plaintiff of the aforementioned  
14        three subpoenas for Plaintiff's employment records on Thursday, March 28, 2019.  
15        Declaration of Mamta Ahluwalia ¶ 2. The subpoenas require compliance on April 10,  
16        2019.
- 17        2. The following day, on March 29, Plaintiff's counsel sent counsel for Defendants a letter  
18        objecting to the subpoena, stating the grounds for the objections, and requesting a meet  
19        and confer on the subpoenas in accordance with Local Rule 37-1. Decl. Ahluwalia ¶ 3.
- 20        3. Plaintiff's counsel also requested Defendants' counsel to move back the compliance date  
21        on the subpoenas so that the parties could comply with the procedures in Local Rule 37  
22        regarding discovery motions in the event that the parties were not able to resolve the  
23        dispute. Decl. Ahluwalia ¶ 4.
- 24        4. Counsel for Defendants responded on April 2, and gave April 3, 4, or 5<sup>th</sup> as available  
25        dates. The parties met and conferred on April 5, 2019. Decl. Ahluwalia ¶ 5.
- 26        5. During the meet and confer, Defendants' counsel stated that the subpoenaed parties had  
27        produced records, which he had reviewed. Plaintiff's counsel asked Mr. Chase to delete

1                   the records (which he apparently received prior to the date of compliance) and to not use  
2                   them for any purpose, unless and until a ruling from this court on Plaintiff's forthcoming  
3                   motion to quash. Defendants' counsel refused. Decl. Ahluwalia ¶ 6.

4                 6. On April 9, 2019, Plaintiff's counsel sent Defendants' counsel a draft stipulation.

5                   Decl. Ahluwalia ¶ 7.

6                 7. The compliance date for the subpoenas is April 10. Defendants' counsel is unwilling  
7                   to agree to move the compliance date. Plaintiff must file a motion to quash prior to  
8                   the subpoena compliance date. Accordingly, Plaintiff files this notice of motion and  
9                   motion, with only Plaintiff's statement in the attached Stipulation.

10                8. Should Defendants' counsel agree to cooperate in the filing of a joint stipulation,  
11                   Plaintiff will file a supplemental stipulation reflecting the same.

12                This Motion is based upon the Stipulation filed concurrently herewith, as well as the  
13                Declarations of Plaintiff's counsel and accompanying exhibits thereto. This motion is also based  
14                upon any matters contained in any later filed supplemental memorandum of authorities by  
15                Plaintiff, oral argument on this matter, as well as the pleadings and records on file with the  
16                Court. Plaintiff seeks an Order Quashing Subpoenas to the non-parties listed above.

17                In accordance with L.R. 37, this motion follows a telephonic conference among counsel  
18                held on April 5, 2019.

19  
20                DATED:      April 9, 2019                   HKM EMPLOYMENT ATTORNEYS LLP  
21   THE FIGARI LAW FIRM

22                By:      /s/ Mamta Ahluwalia  
23   Mamta Ahluwalia, Esq.  
24   Dan Kalish  
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26   *Attorneys for Plaintiff*